

Jan Wroncy
(b) (6)
12/30/2010 04:15 PM

To Chad Schulze
cc modenthal, CLEMENTS Paul R
bcc
Subject Re: Please call Mike Odenthal and tell him there is an issue of compliance with the label because of land zoning

I am just sick about this. If Paul Clements had not granted the waiver of the waiting period, this operation could not have begun before January 4th and we could have had answers to these questions.

Obviously if the School is violating the Lane County Code for zoning and no one calls them on it, they will get a way with using a forestry chemical right next to a school with children as young as 5-6 years old and the damage can not be undone.

The manufacturers of forestry, non-crop (and therefore no food allowance either), non-aquatic herbicides, feel free to put the most toxic "secret" ingredients in the formulas because they believe that no one would be stupid enough to put this near a garden (or greenhouse, see in pictures I sent), or near school cafeteria, classrooms or playgrounds, homes, doctor's offices, Granges, etc. This chemical has clear warning of "Do Not Breathe" yet children 100 feet away will have to breathe it for 8 hours at a time!

WHAT HARM could come from a brief stay? They are going to spray tomorrow, Friday, I suppose in hopes that 3 days lapse before children, teachers and parents are back on campus, but they are closed for most of every Friday and a week from tomorrow would give them just as much time as tomorrow will.

PLEASE ask them to wait!

On 12/30/2010 03:45 PM, Schulze.Chad@epamail.epa.gov wrote:

> Hi Jan,
>
> I'm not sure if he's in the Office today but I will forward your message
> to him. As described by Jim Tompkins of EPA HQ's, FIFRA only focuses on
> how a plot of land is being managed not the zoning criteria (maybe that
> is a local ordinance violation?). If the school is managing the entire
> strip as an ornamental garden then they could not use Arsenal ... What
> defines this strip as either "ornamental" or a "managed forest area"?
> Well, it depends on the owners intended use of the land and what type of
> plants are growing on it. During our tour, the both ODF and the
> Pitchfork Rebellion members stated that Weyerhaeuser had replanted the
> strip with commercial tree species. Do you know how the school is
> intending to use this land?
>
> Please keep me in the loop this weekend
>
> Thanks
>
> *****
> Chad C. Schulze, Pesticides Enforcement Team Lead,
> Deputy Unit Diving Officer
> Pesticides and Toxics Unit
> Office of Compliance and Enforcement
> U.S. EPA Region 10 (OCE-084)

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> <http://yosemite.epa.gov/r10/ECOCOMM.NSF/Pesticides/Pesticides+Homepage>
>
> EPA DIVE TEAM:
> <http://yosemite.epa.gov/r10/oea.nsf/webpage/dive+team>
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> From: Jan Wroncy (b) (6)
> To: Chad Schulze/R10/USEPA/US@EPA
> Date: 12/30/2010 03:30 PM
> Subject: Please call Mike Oedenthal and tell him there is an issue
of
> compliance with the label because of land zoning
>
>
>
> Hi Chad,
>
> The land that the School is on is zoned for a school. Nothing in the
> zoning in Lane County Code allows use of this land for commercial
> timber production. Therefore I think that the use of Arsenal
> Applicator's Concentrate is illegal. Paul Clements is trying to get an
> answer from Lane County Lane Management (Planning) Department about this
> apparent conflict of the School's land use. Being the New Year's
> holiday schedule, many offices are closed and we may not get an answer
> to this question until early next week.
>
> I think it is appropriate to stay the spray operation which is scheduled
> for tomorrow morning so that Nick's Timber Service does not violate the
> label, and the School does not contract something that is illegal.
>
> Can you help get this brief stay?
>
> Paul Clements 541-935-2283
>
> Nick's Timber Services, Inc. Nick Domes 503-910-1120
>
> Jeff Richardson for Triangle Lake Charter Schools 541-925-3262
>
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